



Entered on Docket
November 25, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING AMENDED FIRST
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM BASED,
IN WHOLE OR IN PART, UPON
INVESTMENT IN THE ARAPAHOE
LAND INVESTMENTS, LP LOAN**

Hearing Date: November 13, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the Amended First Omnibus Objection Of USACM
2 Trust To Proofs Of Claim Based, In Whole Or In Part, Upon Investment In The Arapahoe
3 Land Investments, LP Loan (Amended To Correct Exhibit) [DE 7565] (the “Objection”);
4 the Court having heard the Objection on November 13, 2009; appropriate notice of the
5 Objection having been given; no response to the Objection having been filed; and good
6 cause appearing:

7 **IT IS ORDERED:**

- 8 1. The Objection [DE 7565] is sustained; and
9 2. The claims listed on **Exhibit A** attached are disallowed to the extent they are
10 based upon an in the Arapahoe Land Investments LP Loan, which is also known as the
11 Clear Creek Plantation Loan.

12 PREPARED AND RESPECTFULLY SUBMITTED BY:

13 **LEWIS AND ROCA LLP**

14 By /s/ John Hinderaker (018024)

15 Rob Charles
16 John Hinderaker (*pro hac vice*)

17 *Attorneys for USACM Liquidating Trust*
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
 Attorneys for USACM Liquidating Trust

USACM TRUST**Clear Creek Plantation
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Clear Creek Plantation Loan
10725-00687	LORA & LOYAL CROWNOVER FAMILY TRUST	C/O LOYAL CROWNOVER TRUSTEE 2213 PLAZA DEL PUERTO LAS VEGAS NV 89102-4045	600,000.00	200,000.00
10725-01208	MONIGHETTI, PETE	6515 FRANKIE LN PRUNEDALE CA 93907	1,509,963.55	50,000.00
10725-01878	RAGGI, DENNIS	PO BOX 10475 ZEPHYR COVE NV 89448	10,451.54	Unknown
10725-01923	O'RIORDAN, JOHN E & SONHILD A	2745 HARTWICK PINES DR HENDERSON NV 89052-7002	3,476,504.52	200,000.00
10725-02000	ROBERT L OGREN TRUST DTD 6/30/92	ROBERT L ORGREN TTEE 3768 RICK STRATTON DR LAS VEGAS NV 89120	1,827,483.14	200,000.00
10725-02018	EVELYN G CANEPA TRUST DTD 9/19/00	C/O LAUREL E DAVIS LIONEL SAWYER & COLLINS 300 SOUTH FOURTH STSTE 1 LAS VEGAS NV 89101	Unknown	50,000.00
10725-02226	RAGGI, DENNIS	PO BOX 10475 ZEPHYR COVE NV 89448	4,884,068.70	200,000.00
10725-02299	ZAWACKI A CALIFORNIA LLC	PO BOX 5156 BEAR VALLEY CA 95223-5156	3,000,000.00	400,000.00
10725-02304	ERVEN J NELSON LTD PSP DTD 10/31/72	C/O ERVEN J NELSON TRUSTEE 2023 W ASPIRATION POINT ST GEORGE UT 84790 NEW ADDRESS: 2136 RIVER OF FORTUNE DRIVE, SAINT GEORGE, UT 84790	500,000.00	150,000.00
10725-02366	AL-AWAR LIVING TRUST DTD 4/05/01	ADIB M & ELLEN A AL- AWAR TTEES 1330 BURRO CT GARDNERVILLE NV 89410	3,615,913.62	100,000.00
10725-02423	PINSKER, DONALD H	8650 W VERDE WAY LAS VEGAS NV 89149- 4145	1,633,057.16	150,000.00
10725-02433	MICHAELIAN HOLDINGS LLC	413 CANYON GREENS DR LAS VEGAS NV 89144-0829	1,267,075.50	75,000.00